



1 in a footnote. Zomm instead felt that the Court should have a more complete understanding of  
 2 the circumstances surrounding Apple's third IPR Petition.

3 Regarding Apple's proffered excuses regarding the Tran reference, while Apple alleges  
 4 that it diligently searched for prior art, it does not explain why it should not be held to account for  
 5 overlooking a patent it licensed from a third party, and for failing to review its license agreements  
 6 for prior art until it prepared its invalidity contentions. And even if the Court accepts the date on  
 7 which Apple allegedly "found" Tran, Apple does not deny that it "sat on its hands" at the March  
 8 21, 2019 Hearing before the Court. Apple asserts that it "had not completed its analysis" by that  
 9 time, but in the interest of full disclosure, when the Court was considering Apple's first two IPR  
 10 Petitions in the context of Apple's motion for a stay, Apple should have at least disclosed that it  
 11 was considering whether to file a third IPR.

12 The information set forth in Zomm's Status Report should therefore be considered by the  
 13 Court when determining whether and to what extent the stay should be extended.

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